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9 I2A Technologies, Inc. and Victor Batinovich

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 Semiconductor Components Industries, LLC,) Case No. CV 10-603 MEJ
12 Plaintiff,) **Answer and Affirmative Defenses**
13 vs.)
14 I2A Technologies, Inc., and Victor Batinovich,)
15 Defendants.)

1 Pursuant to Fed. R. Civ. P. 12(a), Defendants I2A Technologies, Inc. ("I2A") and
 2 Victor Batinovich ("Batinovich"; collectively, "Defendants") hereby answer the Complaint filed by
 3 Semiconductor Components Industries LLC ("Semiconductor") in this action.

4 **Response to Allegations**

5 Responding to the allegations of the Complaint, Defendants state as follows:

6 1. Defendants admit that the Complaint purports to state causes of action of
 7 Conversion, Intentional Interference with Contractual Relations, and Unjust Enrichment against
 8 Defendants. Defendants deny that the putative causes of action have merit. Except as thus
 9 expressly admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

10 2. Defendants lack sufficient knowledge or information to form a belief as to
 11 the truth of the allegation regarding Plaintiff's motive for bringing this suit, and on that basis deny
 12 it. Defendants deny any other allegation(s) explicit or implicit in the paragraph.

13 3. Defendants lack sufficient knowledge or information to form a belief as to
 14 the truth of the allegation(s) in paragraph 3, and on that basis deny them.

15 4. Defendants admit that I2A is a California corporation with its principal place
 16 of business at 3399 West Warren Avenue in Fremont, California (94538). Except as thus expressly
 17 admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

18 5. Defendants admit that Batinovich resides at 3085 Paseo Vista Avenue in San
 19 Martin, CA (95046), and that he is the President and CEO of I2A. Except as thus expressly
 20 admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

21 6. Defendants admit that this Court has original subject matter jurisdiction over
 22 the claims currently pled. Except as thus expressly admitted, Defendants deny any other
 23 allegation(s) explicit or implicit in the paragraph.

24 7. Defendants admit that this Court has personal jurisdiction over Defendants.

25 8. Defendants admit that venue is currently proper in this Court. Except as thus
 26 expressly admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

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1 9. Defendants admit that this action is properly assigned to either the San
2 Francisco or Oakland Divisions of the Court, pursuant to Local Rule 3-2(d). Except as thus
3 expressly admitted, Defendants deny any other allegation(s) explicit or implicit in the paragraph.

4 10. Defendants lack sufficient knowledge or information to form a belief as to
5 the truth of the allegation(s) in paragraph 10, and on that basis deny them.

6 11. Defendants lack sufficient knowledge or information to form a belief as to
7 the truth of the allegation(s) in paragraph 11, and on that basis deny them.

8 12. Defendants lack sufficient knowledge or information to form a belief as to
9 the truth of the allegation(s) in paragraph 12, and on that basis deny them.

13. Defendants deny the allegation(s) of paragraph 13.

14. Defendants lack sufficient knowledge or information to form a belief as to
the truth of the allegation(s) in paragraph 14, and on that basis deny them.

13 15. Defendants deny the allegation(s) of paragraph 15.

First Cause of Action (Conversion)

15 16. Defendants incorporate all responses included in the preceding paragraphs.

16 || 17. Defendants deny the allegations of paragraph 17.

17 18. Defendants deny the allegations of paragraph 18.

18 19. Defendants deny the allegations of paragraph 19 (to the extent denial of this
19 legal conclusion is warranted or required).

20. Defendants deny the allegations of paragraph 20.

Second Cause of Action (Intentional Interference with Contractual Relationships)

22 21. Defendants incorporate all responses included in the preceding paragraphs.

23 22. Defendants lack sufficient knowledge or information to form a belief as to
24 the truth of the allegations in the first two sentences of paragraph 22, and on that basis deny them

25 Defendants deny the allegations in the third sentence of paragraph 22.

26 23. Defendants deny the allegations of paragraph 23.

27 24. Defendants deny the allegations of paragraph 24.

Third Cause of Action (Unjust Enrichment)

25. Defendants incorporate all responses included in the preceding paragraphs.
26. Defendants deny the allegations of paragraph 26.
27. Defendants deny the allegations of paragraph 27.
28. Defendants deny the allegations of paragraph 28.
29. Defendants deny the allegations of paragraph 29.

Affirmative Defenses

Defendants allege the following affirmative defenses:

9 1. The complaint fails to state a claim on which relief can be granted.

10 2. Plaintiff's claims are barred by the doctrines of estoppel, laches, and/or

11 unclean hands.

12 3. Plaintiff's claims have been waived.

13 4. Plaintiff has not stated a claim upon which punitive or exemplary damages

14 may be granted.

15 5. Plaintiff's claims are barred in whole or in part by its failure to mitigate

16 damages.

17 6. Defendants reserve their right to assert additional affirmative defenses as

18 appropriate.

Prayer

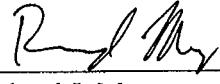
Wherefore, Defendants pray as follows:

21 1. That Plaintiff take nothing by the complaint and the complaint be dismissed
22 with prejudice.
23 2. That Defendants be awarded their costs of suit, including reasonable
24 attorneys' fees.

1 3. For such other and further relief as this Court deems just and proper.
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4 Dated: March 12, 2010

Holme Roberts & Owen LLP

5 By: 
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7 Richard J. Mooney
8 Attorneys for Defendants

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